

REMARKS

Initially, Applicant notes that the remarks and amendments made in this paper are consistent with those presented to the Examiner by telephone.

By this paper, claims 1, 10, 19, 24, and 41 have been amended, claim 43 has been canceled, and no claims have been added, such that claims 1-28, and 41-42 remain pending, of which claims 1, 10, 19, 24, and 41 are the independent claims at issue.

The Office Action mailed May 12, 2008, considered and rejected claims 1-28, 41-43. Claims 10-18 and 24-28 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-28 and 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whelan et al. (U.S. Publ. No. 2004/0198220) in view of Meier et al. (U.S. Patent No. 6,950,628).¹

With regard to the rejection of claims 10-18 and 24-28 under 35 U.S.C. §101, it will be noted that the claims have been amended to recite a computer-readable **storage** media, rather than the rejected computer-readable media. As described in paragraph [024] of the Specification, as filed, storage media is a subset of computer-readable media that is composed of statutory subject matter. In view of these amendments, Applicant respectfully submits that the 35 U.S.C. §101 rejection of the claims is now obviated.

The presently claimed embodiments are directed to the secure association and management of a station and an access point. Claim 1, for instance, recites method for creating a secure association between the station and at least one access point. In the method, discovery information from one or more access points in the communications network is obtained, with the discovery information reflecting capabilities of the one or more respective access points to facilitate communication with the station. Then, one of the access points is selected to become associated with. The selected access point is then authenticated and a discovery verification request is sent to the selected access point for the discovery information of the selected access points to be verified. The discovery verification request includes at least part of the discovery information obtained from the access point. An acknowledgement receipt from the selected access point is then received verifying the discovery information.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

The remaining independent claims are closely related to claim 1. Claim 19 recites the method from the perspective of the access point, while claims 10 and 24 recite computer program products consistent with claims 1 and 19, respectively. Finally, claim 41 recites a method consistent with claim 1, but in more detail.

The claims were rejected in view of the combination of Whelan and Meier. Applicant respectfully submits that the combination of Whelan and Meier fail to teach all of the elements of the present claims. For this reason, Applicant respectfully submits that the claims are allowable over the cited art.

Whelan discloses management of mobile units in a roaming environment. As previously argued and recognized in the Office Action, Whelan fails to provide for verification of access point discovery information. To compensate for this failing, the Office Action cites Meier as disclosing authentication of an access point and verification of discovery information. Applicant respectfully submits that Meier fails to compensate for the inadequacies of Whelan in view of the current amendments to the claims. For at least this reason, Applicant respectfully submits that the claims are allowable over the cited art.

Meier discloses a method for associating a wireless station to a service set configured at an access point. Each service set is an arbitrary grouping of network service parameters and is chosen based on a service set identifier (SSID) provided to the access point by the wireless station. The Office Action cites the providing of the SSID to the access point and verifying that the access point has a matching SSID as disclosing a verification request to the selected access point. Then, the Office Action cites the connection being allowed as disclosing the claim element of receiving an acknowledgement receipt from the selected access point verifying the discovery information. Applicant respectfully submits that both of these assertions presented in the Office Action fail to teach these claim elements as currently amended.

The claims recite that the discovery verification request be sent to the selected access point for the discovery information of the selected access points to be verified. Additionally, the discovery verification request includes at least part of the discovery information obtained from the access point. The use of the SSID in Meier fails to teach this element, because when the SSID is sent within Meier, it is not being sent as part of a request to validate the discovery information. The discovery information in the current claims is verified, because it is possible that a spoof could send false discovery information. To prevent the use of such false

information, the present claims allow verification that the information is correct. The cited art of Meier, however, has no way to determine if the discovery information is true. The Office Action cites Meier as verifying the access point, but the claim element does not verify the access point, and is instead verifying the discovery information. Nowhere within Meier is there a discussion of verifying the discovery information. In fact, Meier does not discuss discovery information and it is assumed that the client already has the relevant SSID. Because it is assumed that the proper SSID already exists, there is no reason why Meier would disclose the verification of the discovery data.

The fact that the connection is allowed within Meier does not teach receiving an acknowledgement receipt from the selected access point verifying the discovery information. As previously described, Meier does not verify the discovery information. The claims recite that an actual acknowledgement receipt be received that verifies the discovery information. Without an acknowledgement receipt, the embodiments of the current claims can assume that the discovery information is invalid and that it would be improper to use the information to connect to the wireless network. In contrast, in Meier the client already trusts that the information that it sent is correct and that the access point is trusted. The client is ready to connect as long as the access point allows it. Meier contains no provisions for the situations that the current claims address, the situation of false discovery information and a spoof access point. In Meier, so long as the access point accepts the connection the client will connect, whereas with the current embodiments the client will not connect until the discovery information is verified and the access point is known.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 11th day of November, 2008.

Respectfully submitted,

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